

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>DPPC 136920</b>	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/050827</b>	International filing date (day/month/year) <b>17.05.2004</b>	Priority date (day/month/year) <b>10.07.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>A43C7/00, A43C11/20</b>			
Applicant <b>AZOR</b>			

<ol style="list-style-type: none"> <li>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> <li>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</li> <li>3. This report is also accompanied by ANNEXES, comprising:           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:               <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</td> </tr> <tr> <td><input type="checkbox"/></td> <td>sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</td> </tr> </table> </li> <li>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ol> </li> <li>4. This report contains indications relating to the following items:           <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> </li> </ol>	<input checked="" type="checkbox"/>	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	<input type="checkbox"/>	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/050827

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished  
 the description:  
 pages 1-12 as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
 nos. 5 (in part), 6-12 as originally filed/furnished  
 nos.\* 1-4, 5 (in part) as amended (together with any statement) under Article 19  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
 sheets 1/3-3/3 as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.	PCT/EP2004/050827
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**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>1-12</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-12</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-12</u>	YES
	Claims _____	NO

**2. Citations and explanations (Rule 70.7)**

1. In the present report, reference is made to the following documents:

D1: US 2002/083620 A1 (GEIWALD URBAN ET AL)

4 July 2002 (2002-07-04);

D2: US 5 170 573 A (CLINCH AUBREY L)

15 December 1992 (1992-12-15).

2. INDEPENDENT CLAIM 1

**Prior art:**

Document D1 describes (the references between parentheses apply to said document):

a tied-lace securing device in the form of a strip when in the open position thereof, which device is intended to cover a lace on a shoe and includes a left-hand end and a right-hand end (26, 28) each including mutual attachment means (26, 24), and means (20, 18) for

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Box No. V      **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

attaching said device to said shoe, in particular, a series of apertures (20, 18) through which said lace passes. In the closed position, said device is folded over by attaching the left-hand end to the right-hand end via said mutual attachment means (26, 24) and the longitudinal direction of said tied-lace securing device is substantially perpendicular to the axial direction of the shoe (cf. the preamble in claim 1).

In the closed position thereof, said tied-lace securing device is intended to cover the lace bows and knot when said lace is tied in a knot. Said device is a strip attached around the ankle.

**Problem:**

The problem addressed is that of providing more freedom of foot movement for the wearer of the device without causing rigidity.

**Solution:**

In the closed position thereof, the tied-lace securing device only partially covers the bows of a lace knot when said lace is tied in a knot.

Document D2 describes (the references between parentheses apply to said document):

a tied-lace securing device more or less in the

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

form of a strip when in the open position thereof, which device is intended to cover a lace on a shoe and includes a left-hand end and a right-hand end ("rectangular flexible panels" 42) each including mutual attachment means (6, 7), and means (32) for attaching said device to said shoe, in particular, a series of apertures (32) through which said lace passes. In the closed position thereof, said device is folded over and the longitudinal direction of said tied-lace securing device is substantially perpendicular to the axial direction of the shoe.

The closing system in D2 involves the left-hand side being positioned on top of the right-hand side without mutually attaching same and, in the device in D2, it is by rolling the top of a centre tab over the bottom of said centre tab that the left-hand side is retained over the right-hand side without mutually attaching same. The device in D2 completely covers the bows and knot. There is a chance that the device in D2 may be lost when the shoe is removed.

The device as per the present application provides a simpler closing system and there is less chance of losing the device.

It follows that the combination of features in independent claim 1 is not found in the prior art and cannot be derived in an obvious manner

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International application No. PCT/EP2004/050827
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement therefrom.
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The subject matter of claims 2-12 relates to additional technical features and, therefore, also complies with the requirements of novelty and inventive step (PCT Article 33(1), (2) and (3)).

**Observation:**

In the French text of the new claims, the term "délaçage" is missing from the end of the first page ('page 13', claim 5, first part).